

**In the
Indiana Supreme Court**

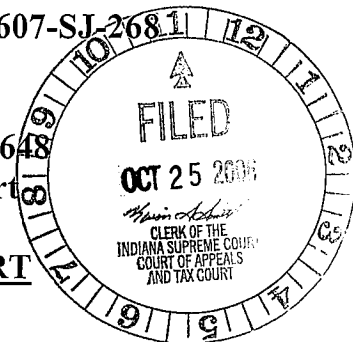
HOLLIS B. MEMBERS, JR.

vs.

STATE OF INDIANA

) Supreme Court No. 49S00-0607-SJ-2681

) Case No. 49G06-9404-PC-32648
) in the Marion Superior Court



ORDER REMANDING JURISDICTION TO TRIAL COURT

On October 5, 2006, petitioner filed a pleading entitled "Motion to Enforce Submission to Withdraw". In the motion, petitioner asks this Court to withdraw the submission of the case from the Honorable Jane Magnus-Stinson. Pursuant to Ind. Trial Rule 53.1(E), the Clerk of the trial court initially determines whether withdrawal of the submission is required. In this case, the Chronological Case Summary reveals that subsequent to petitioner's motion, on October 12, 2006, the Clerk of the Marion Superior Court denied petitioner's praecipe seeking withdrawal of the submission. Petitioner's pending motion is not the appropriate mechanism for challenging the Clerk's determination, and therefore nothing currently is before the Court upon which action is appropriate.

IT IS, THEREFORE, ORDERED that petitioner's "Motion to Enforce Submission to Withdraw" is DENIED.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Jane Magnus-Stinson, Marion Superior Court, 200 East Washington Street, W306, Indianapolis, IN 46204-3337, and to the Clerk of the Marion Superior Court.

The Clerk of the Marion Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this 25th day of October, 2006.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana